

Jackie Lane,  
Joann Asami,  
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San Francisco, CA 94105  
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U.S. Environmental Protection Agency  
Office of Civil Rights  
Mail Code 1201A  
1200 Pennsylvania Ave NW  
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Attachments sent via email to:  
[civil.right@epa.gov](mailto:civil.right@epa.gov) M 9/8/05

Dear Jackie Lane and Joann Asami,

I wish to bring an administrative complaint with your office alleging harassment and discrimination by my employer Community First Coalition (CFC), [REDACTED], and [REDACTED], who claim to now represent CFC who is a recipient of a EPA financial assistance under an EPA Technical Assistance Grant (TAG) of which I was hired as a Technical Advisor (TA) in July of 2004, related to the cleanup of a superfund site at the Hunters Point Naval Shipyard located in San Francisco California. The TAG is a three year grant for \$50,000 annually, of which all these funds are to be spent on the TA and therefore I am the actual recipient of the EPA financial assistance in this case not CFC. I allege that I have been the victim of discrimination by so called representatives of CFC based on my race as a person of Caucasian ethnicity in my employment, compensation, and termination of employment. If upon investigation of this complaint it is determined that CFC as a recipient is not in compliance with EPA's nondiscrimination regulations, 40 C.F.R. § 7.130(b), I request a hearing before EPA's Administrative Law Judge (ALJ) on this matter.

The nature and evidence of my discrimination by CFC is as follows, with exhibits and attachments by reference.

In May of 2004 I applied for a position as a Technical Advisor for CFC, along with two other Applicants, [REDACTED], and a [REDACTED]. In late July of 2004 I was advised by [REDACTED] of CFC that I could not be given this position because of my Caucasian ethnicity and because Hunters Point in San Francisco was a predominantly African American community. He advised me that if I wished to be a CFC TA I would have to form a partnership or association with [REDACTED] and share the TA position responsibilities with [REDACTED]. In late July I and [REDACTED] agreed to form a business association called [REDACTED]. In late July 2004 [REDACTED] advised me he would be unable to employ EMU unless I agreed to let [REDACTED] be the majority owner of [REDACTED], to which I agreed. [REDACTED] then provided me a contract to sign with CFC with myself and [REDACTED] as signers for [REDACTED].



and [REDACTED], and [REDACTED] CFC co-chair as signers for CFC. As I will show later Mr. Brown was actually the person I was told to work with on the TAG when Mr. Campbell was incapacitated. I allege that this requirement to be a minority associate of [REDACTED] as a condition of my employment constitutes discrimination in employment selection by Mr. Campbell, based on my race as a person of Caucasian ethnicity. Mr. Lynne Brown CFC co-chair (415) 285-4628 and Mr. Clifton Smith (510)-333-1894 are both willing to act as witnesses to confirm my claims in this regards.

In late December 2004 [REDACTED] informed me that he had a heart condition that had resulted in his hospitalization. Our first payment for [REDACTED] was received on October 20<sup>th</sup> for work completed in August submitted to [REDACTED] on September 9<sup>th</sup> 2004. On December 27<sup>th</sup> 2004 we received payment for September work submitted October 10<sup>th</sup> 2004, and on April 6<sup>th</sup> 2005 we received our last payment for our October work submitted November 10<sup>th</sup> 2004, November work submitted December 13<sup>th</sup> 2005, December work submitted December 28<sup>th</sup> 2004, and January work submitted January 15<sup>th</sup>, 2005. I have not yet received any payments for my February, March, April, May, June, up until my first termination notice received July 5<sup>th</sup> 2005.

On March 8 2005 [REDACTED] advised me by telephone that he was planning on canceling our TAG contract due to his extended illness because he was unable to pay his bills and rent, and at this time he advised me unless I would lend him money to pay his bills he would do so. I agreed to pay his rent of \$1200 if he would give me the address of his landlord, and he asked for me to transfer \$200 to his bank account for other expenses to which I agreed on the understanding that he would not terminate the TAG contract. Exhibit 1 is an e-mail from [REDACTED] providing me his landlord's address and [REDACTED]'s bank account number in order to deposit the \$200. [REDACTED] is a witness as [REDACTED] contacted him by phone first and he just said to call [REDACTED] nothing more as he seemed reluctant to get involved.

On March 19, 2005 I sent attachment 1 a draft copy of the CFC Newsletter which [REDACTED] purportedly presented to Jackie Lane of US EPA. This Newsletter contained the following disclaimer "This document has been funded partly or wholly through the use of U.S EPA Technical Assistance Grant Funds. Its contents do not necessarily reflect the policies, actions or positions of the U.S. Environmental Protection Agency. The Community First Coalition (CFC) does not speak for nor represent the U.S. Environmental Protection Agency."

On March 29 2005 [REDACTED] advised me by telephone that he was planning on canceling our TAG contract again due to his extended illness because he was unable to pay his rent of \$1200, and at this time he advised me unless I would lend him money to pay his rent he would do so. I agreed to pay his rent if he would give me the address of his landlord, to which I agreed on the understanding that he would not terminate the TAG contract. Exhibit 2 is an e-mail from [REDACTED] providing me his landlord's address.



On April 20, 2005 [REDACTED] notified me by e-mail Exhibit 3 to "to recommend [REDACTED] for directorship of Community First Coalition, and Administrator of the EPA TAG Grant."

On April 27, 2005 [REDACTED] notified me by e-mail Exhibit 4 "As per the telephone discussion with Jackie Lane and [REDACTED]. The CFC TAG Grant Administration will remain with me, with [REDACTED] and [REDACTED] acting as co TAG Grant Administrators while I am recuperating from surgery. This also applies to CFC." I spoke with [REDACTED] by telephone who stated at the time that he was the only one actually qualified to administer the grant during [REDACTED] illness. He also advised me that Ms. Lane of US EPA was encouraging CFC to meet to elect a new board of directors if their where internal leadership problems. At this time I began taking my directions from [REDACTED], who directed me to work on completing our monthly reports, preparing the newsletter, and planning a CFC/TAG public participation meeting.

On May 12, 2005 I prepared a monthly report for the month of February 2005 (Attachment 2) and on May 14, 2005 I completed monthly reports for March and April 2005 (Attachments 3 and 4).

On May 16, 2005 I notified [REDACTED], [REDACTED], and Ms. Lane by e-mail (see Exhibit 5) of the "CFC/TAG Meeting 12:30 PM June 4th, 2005 Grace Tabernacle Church 1121 Oakdale Ave at Ingalls Bayview Hunters Pt., SF, 94124." Ms. Lane raised concern with a revised May 15, 2005 version of the CFC Newsletter (Attachment 5) as regards the issue of risk from asbestos in the shipyard. [REDACTED] had requested I investigate and provide information about the risks from naturally occurring asbestos from serpentine rock formations in the area.

On May 17, 2005 myself, [REDACTED], and [REDACTED] meet with the Hunters Point Shipyard Restoration Advisory Board's (RAB's) Technical Committee which [REDACTED] had delegated to be chaired by [REDACTED] in his absence as the RAB co-chair. [REDACTED] took me aside and asked me what a white man was doing being interested in Hunters Point, and that he was now in charge of CFC not [REDACTED]. I thanked him for his opinion but respectfully disagreed with his statements. I told this to Mr. Brown after and also expressed concern for his racist remarks to me.

On June 4, 2005 there was a CFC/TAG Meeting at Grace Tabernacle Church where less than a dozen people attended, including myself and Mr. Brown.

On June 22, 2005 I attended a meeting of the RAB where [REDACTED] nominated [REDACTED] (a person of Caucasian ethnicity) to replace [REDACTED] as the RAB community co-chair. During the break [REDACTED] once again took me aside and asked me why I was still coming to hunters point claiming [REDACTED] was fired for not doing its job and that he had told me before a white man shouldn't have the TA job. I explained that I was reporting to [REDACTED] until told otherwise in writing by US EPA. I also explained to him that actually I had done my work completing three monthly reports, two versions



of a newsletter, and held a June 4, 2005 meeting where Hunters Point residents were present. He also said he had already sent me an e-mail which I didn't ever receive.

On June 23, 2005 I received an e-mail from [REDACTED] where he claimed he was the "Acting Administrator of the TAG Grant". I responded (see Exhibit 6) that I was in the process of updating the monthly reports and I was working for [REDACTED] as directed in the April 27<sup>th</sup> e-mail from [REDACTED]. I considered this e-mail to be a form of harassment by Mr. Tompkins acting as an agent for [REDACTED] and CFC.

On July 5, 2005 I received a copy of a letter from [REDACTED] addressed to [REDACTED] notifying him that he was terminating the contract between CFC and [REDACTED] for TA services (see Exhibit 7). I was not mentioned in the letter nor was my failure to perform any of my duties mentioned as cause for my termination. I was only listed as a cc. I consider this letter a form of harassment by [REDACTED], acting as an agent for [REDACTED] and CFC. I believe my termination was motivated by discrimination on the basis of my race and [REDACTED] wished to have the TA position with CFC and his discrimination was economically motivated.

On July 8, 2005 I received Exhibit 8 an e-mail from [REDACTED] another non-Hunters Point representative of CFC who was clearly acting on the behalf of [REDACTED] and [REDACTED] who were angry about their loss of the June election for RAB co-chair position stating the cause was "white women RAB members may have been recruited to stack the vote". This shows evidence of their intent to discriminate on the basis of race.

In the third week of July [REDACTED] told me by phone that he had attended the RAB meeting and [REDACTED] and [REDACTED] had attended and tried to unseat [REDACTED] as the RAB co-chair, and they had told him he was fired from CFC. He also told me he had asked Ms. Lane how they could remove him as a signer on the TAG contract without his consent first?

On August 10, 2005 I received a second copy of a letter from [REDACTED] addressed to [REDACTED] notifying him that he was terminating the contract between CFC and [REDACTED] for TA services (see Exhibit 9). I was not mentioned in the letter nor was my failure to perform any of my duties mentioned as cause for my termination. I was only listed as a cc. I believe my termination was motivated by discrimination on the basis of my race and [REDACTED] individually and acting as an agent for [REDACTED] and CFC wished to have the TA position with CFC and his discrimination was economically motivated.

On August 13, 2005 I receive another e-mail from [REDACTED] where she further demonstrates intent to discriminate based on race where she states "RAB members who, like [REDACTED], are white females raising the issue of racism and "election stacking" by the Navy and its predominantly white contractors" is now focusing her racist attacks even on the Navy (see Exhibit 10).

EPA's regulations give an applicant for, or a recipient of, EPA financial assistance the right to request a hearing before EPA's Administrative Law Judge (ALJ) if OCR determines that the applicant or recipient is not in compliance with EPA's nondiscrimination regulations. 40 C.F.R. § 7.130(b).

The federal nondiscrimination statutes that Part 7 implements are Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; Section 13 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1251 note; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; and the Age Discrimination Act of 1975, 42 U.S.C. § 6101. These statutes prohibit discrimination by applicants for and recipients of EPA assistance. EPA's nondiscrimination regulations give an applicant for, or a recipient of, EPA financial assistance the right to request a hearing before EPA's Administrative Law Judge (ALJ) if the Office of Civil Rights (OCR) finds that the recipient is not in compliance with EPA's nondiscrimination regulations. 40 C.F.R. § 7.130(b).

Wherefore I respectfully request you grant my request for a hearing on my complaint alleging harassment and discrimination by my employer Community First Coalition (CFC) and [REDACTED], and [REDACTED], who claim to now represent CFC who is a recipient of a EPA financial assistance under an EPA Technical Assistance Grant (TAG) of which I was hired as a Technical Advisor (TA) in July of 2004, related to the cleanup of a superfund site at the Hunters Point Naval Shipyard located in San Francisco California.

The relief I seek is as follows:

- 1) To be paid for all work completed by [REDACTED] from February 1, 2005 to the present in full.
- 2) That [REDACTED] pay me in full the \$2,600 he purportedly borrowed in March 2005.
- 3) To reinstated [REDACTED]'s contract with CFC with [REDACTED] acting as the CFC administrator unless otherwise agreed to in writing by [REDACTED] and CFC.
- 4) If CFC as a recipient is found to be not in compliance with EPA's nondiscrimination regulations and therefore is ineligible to receive the TAG then that a notice be provided within ninety days in the Hunters Point community for the TAG, and that [REDACTED] be granted a positive consideration for the TA position with the grant recipient.
- 5) That [REDACTED] not be prevented from providing technical assistance or other professional services under any other contract with EPA, or other federal agency for reasons of non-performance by [REDACTED] to the CFC TA contract under EPA's TAG,



[REDACTED]  
[REDACTED]  
[REDACTED]  
September 8, 2005

**Verification**

I am the author of this Complaint herein, and make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8<sup>th</sup> day of September 2005, at Soquel, California.

[REDACTED]

[REDACTED]